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November 21, 2022

U.S. Environmental Protection Agency
Region 2
290 Broadway
New York, NY 10007

Re: FOIL Request

Dear Records Officer:

This is a request under the New York Freedom of Information Law, Article 6 of the Public Officers Law. All requests found below include documents maintained by the U.S. Environmental Protection Agency. The information sought relates to the following site(s), addresses, lots, and property owners:

- I. Momentive Performance Materials Inc. formerly known as General Electric, 260 Hudson River Road, Waterford, New York 12188

We respectfully request the following information relating specifically to Momentive Performance Materials Inc. formerly known as General Electric, 260 Hudson River Road, Waterford, New York, including but not limited to:

- I. Any and all documents, records and/or material relating to asbestos testing and asbestos abatement at Momentive Performance formerly known as General Electric at 260 Hudson River Road, Waterford, New York, including but not limited to asbestos assessment reports, environmental cleanup reports, asbestos abatement reports, permits, contracts, invoices, site inspections, asbestos monitoring results, and laboratory results.
- II. Any and all documents, records and/or materials relating to asbestos abatement at the following specific buildings located at 260 Hudson River Road, Waterford, New York with the buildings formerly known or currently known as the following: Building 28 – also known as the Powerhouse, Building 30, Building 27, MCS 2, MCS 3, MCS 4, Unit 68 (Reactor/Calcliner Structure), Tank Farm, and Pipe Rack areas.
- III. Any and all documents, records and/or materials relating to asbestos abatement work performed at 260 Hudson River Road, Waterford, New York by the following contractors between 1972 and 1990: Robert A. Keasbey Company, A.C. & S. Inc.,

Atlantic Contracting, Johns Manville, J.V. Warren, C.D. Crowley; and Eastern Refractories.

- IV. Any and all documents, records and/or materials relating to the disposal of asbestos-containing materials at the General Electric Landfill, designated as EPA ID# NYD002080034. We are attaching an Exhibit A which references asbestos hazard communications from the New York State Department of Labor Asbestos Management Program.

My firm will pay any reproduction fees associated with this request. Please provide certified copies of the materials being produced. However, please contact me in the event the anticipated costs exceed \$200. If you have any inquiries related to this request, please email me at rkuong@bmmfirm.com or call me directly at 212-313-3671. You may also contact William A. Cooney at wcooney@bmmfirm.com or call his direct line at 212-313-3612 if you have any questions regarding this request.

Should you have any questions or concerns, please don't hesitate to contact me or Mr. Cooney of any complications with this request.

Dated: New York, New York
November 21, 2022

Sincerely,

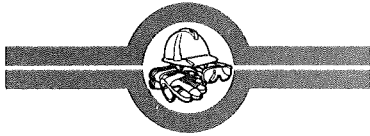
BARRY MCTIERNAN & MOORE LLC



Rachel Kuong, Paralegal

Exhibit A

SAFETY MANUAL



Author: J. Testo

Section: C.8.0
Issue: 3
Date: 08/11/88
Supersedes: 11/04/85

ASBESTOS MANAGEMENT PROGRAM

A. PURPOSE

To assure safe handling of Asbestos Containing Materials (ACM) in plant remediation programs, through the establishment of policy and procedures that will maintain compliance with all Federal, State and/or Municipal Regulations required for asbestos removal or encapsulation.

B. POLICY

All asbestos projects involving more than 10 square feet or 25 linear feet of ACM must be done by a NYS licensed contractor and certified asbestos handlers. Please see attachment A "Contractor Specifications for Asbestos Abatement Projects".

Minor projects, which involve less than 10 sq. ft. or 25 L/ft., can only be completed by trained personnel using proper work procedures. See work procedures for minor asbestos projects (Attachment B).

C. PROCEDURES

1. Identification

Material suspected of containing asbestos shall be confirmed through bulk sampling and laboratory analysis. The Industrial Hygiene and Safety Specialist will be responsible for the laboratory analysis. If material is suspected, contact Industrial Hygiene and Safety for sampling. When in doubt, test and treat as asbestos until lab results have been received. If material has been confirmed to contain ACM, it should be clearly identified with the letter "A" with orange color by paint or adhesive label.

2. Disposal

Procedures for disposal of ACM shall be as follows:

- Materials must be in double six mil. plastic bags or puncture proof containers. (fiber drums are acceptable).

- All bags or containers must be labelled with a warning that states,

DANGER
CONTAINS ASBESTOS FIBERS
AVOID CREATING DUST
CANCER AND LUNG DISEASE
HAZARD

- Plant services should be notified to transport waste from in-house abatement projects. All contracted asbestos removal shall be transported by the contractor.
3. All asbestos work shall be performed in compliance with Federal, State, and/or Municipal regulations and rules.
 4. Installation or use of asbestos material shall be prohibited, unless the Industrial Hygiene and Safety specialist has granted approval.

D. RESPONSIBILITY

Area or unit managers shall be responsible for compliance with the policy and procedures set forth in this regulation.

ATTACHMENT A

CONTRACTOR SPECIFICATIONS FOR ASBESTOS ABATEMENT PROJECTS

Preface

All asbestos abatement work involving the treatment and/or removal of ACM must be completed using regulatory (OSHA and State) procedures to prevent asbestos exposure to contractors and GES employees. Work procedures must also prevent asbestos contamination of the worksite and its surrounding areas. The following work specifications must be met as a condition of contract, unless specifically exempted.

Scope

The scope of work must be agreed upon and factually stated in the contractor's quotation. A work schedule shall be provided detailing the completion of work within an agreed upon time table. The contractor shall provide all labor, materials, facilities, equipment, services, permits and agreements necessary to perform the asbestos work project in compliance with all applicable regulations.

GE retains the right to stop work at any time if work procedures are considered deficient. Failure of the contractor to fully conform to the practices stated herein; or to those required by federal, state, or local code is considered sufficient reason for contract termination.

Pre-Bid Submittals

- a) The contractor must submit proof of all required permits. This includes the contractors NYS license and his employees asbestos handling certificates.
- b) Contractor shall supply a certificate of insurance for asbestos abatement work with a combined single limit for bodily injury and/or property damage of \$1,000,000.
- c) Submit air sampling results of the last three asbestos abatement projects that required EPA notification, including all area and personal monitoring.

Post-Bid Submittals

After the job has been awarded, the following pre-construction procedures shall be complied with before asbestos abatement work begins.

1. A pre-construction meeting shall be scheduled with the contractors, GE project engineer or representative, the area manager or supervisor of the removal area, and the industrial hygienist. At this meeting, the following items shall be furnished by the contractor for approval prior to any asbestos abatement work:
 - a. When 260 linear ft. or 160 sq. ft. of asbestos containing material is to be removed, satisfactory proof of written notification to the EPA regional office, and the NYS Commissioner of Labor must be present at the meeting (see attached Appendix 1 for EPA and Appendix 2 for NYS). Also, the type and percent of asbestos must be documented.
 - b. A layout (shop drawings) of the project execution showing the abatement work in stages and the boundary line of any regulated areas.
 - c. A written emergency procedure plan.
 - d. Copies of all signs and labels to be used.
 - e. Material Safety data sheets for all chemicals used, such as encapsulants, wetting agents, and spray glues.
 - f. Standard operating procedures showing how workmen, visitors and employees will be protected from exposure and how spaces outside the work areas will be protected from contamination until completion of the work.
 - g. Description and regulatory approvals for all personal protective equipment, and encapsulation materials.
 - h. Detailed plans for decontamination facilities, and systems allowing communications between the work area and the outside.
 - i. Engineering systems to be set up showing the location and capacity of HEPA exhaust systems, and negative air monitors.
 - j. Documentation that all employees have received appropriate medical examinations and they have been fit tested in accordance with 29 CFR 1925.5B(h)(4).
 - k. After the meeting, a complete walk-through of the abatement site must be done with all involved parties.

ATTACHMENT B

WORK PROCEDURE FOR MINOR ASBESTOS PROJECTS

General Requirements

Asbestos abatement projects involving less than 10 sq. ft. or 25 linear ft. are considered minor asbestos projects. Anyone performing minor asbestos projects must obtain, through Industrial Hygiene and Safety, the proper training for asbestos abatement, and be in compliance with OSHA's respiratory protection standards for asbestos.

Procedure

The following engineering and work practice controls shall be instituted to insure that employee exposure to asbestos is less than 0.1 fibers per cubic centimeters (f/cc) of air, calculated as an eight hour time weighted average.

- Identify the area with OSHA designated signs

- Prepare the area for asbestos abatement

- Use wetting agents; never use dry removal methods Utilization of glove bags when appropriate

- Use HEPA filtering equipment

- Build mini-enclosure where needed.

See OSHA's 29 CFR 1926.58, Appendix G for a detailed procedure of the above mentioned engineering controls and work practices.

APPENDIX 1

Written Notification Procedure

Note: All Notifications to Federal Regulatory Agency initiated by General Electric Waterford personnel must be approved and signed by the Manager of Site Regulatory Relations or his designee.

Notification shall be sent to EPA when demolition and renovation of asbestos material is performed. Demolition means the wrecking or taking out of any load-supporting structures. Renovation means altering in any way one or more facility components, excluding load-supporting structures.

The following information must be provided by the Project Engineer and submitted to the Manager of Site Regulatory Relations.

1. Name/address of owner - General Electric Company
Silicone Products Division
Waterford, NY 12188
2. Description of area being demolished or renovated, including size, age, and prior use building/area designation.
3. Estimate of amount of asbestos being removed.
4. Location of facilities being demolished or renovated - this would normally be part of (2), inside or outdoors.
5. Scheduled start and completion dates.
6. Nature of planned work and methods to be used.
7. Procedures to be used to comply with asbestos removal requirements.
8. Name and location of waste disposal site - normally on-site landfill under RCRA interim status (EPA) No. NYD0020B0034.

Please see attached sample form to be completed.

The Site Regulatory Relations manager shall notify EPA in compliance with the EPA National Emission Standards for Hazardous Air Pollutants (NESHAPS) Asbestos Regulations 40 CFR 61.145 and 61.146, subpart M.

Administrator
U.S. E.P.A., Region II
26 Federal Plaza
New York, NY 10007

SUBJECT: NOTIFICATION OF ASBESTOS REMOVAL
(COMPLETE BOTH SIDES OF FORM)

DATE: _____

1. WORK LOCATION/DESCRIPTION

AREA: _____ AGE: _____

PRESENT USE: _____ SIZE: _____

2. NATURE OF WORK:

A. _____ DEMOLITION _____ RENOVATION _____ OTHER: _____

3. ASBESTOS REMOVAL

AMOUNT OF FRIABLE ASBESTOS TO BE REMOVED: _____ LINEAR FT. _____ SQ. FT.

LOCATION OF ASBESTOS TO BE REMOVED: _____ PIPE _____ DUCT _____ BOILER
_____ TANK _____ ROOF _____ TRANS. BD
_____ I-BEAM _____ CEILING _____ FLOOR
_____ OTHER: _____

4. REMOVAL SCHEDULE

STARTING DATE: _____ ENDING DATE: _____ HRS. OF OPERATION: _____

5. REMOVAL CONTRACTOR

NAME: _____

CONTACT PERSON: _____

TITLE: _____

ADDRESS: _____

ENVIRONMENTAL HYGIENIST

CONTACT PERSON: Dean Rossi, 12/65
ADDRESS: 260 Hudson River Road
Waterford, New York 12188

6. FINAL DISPOSAL SITE

NAME: General Electric Landfill

EPA ID# NYD002080034

7. AIR MONITORING

ENVIRONMENTAL: ☐ YES ☐ NO IF YES, ☐ PRE ☐ ON-GOING ☐ POST
PERSONAL: ☐ YES ☐ NO

8. ASBESTOS CONTAINMENT, REMOVAL, AND HANDLING METHODS

9. ADDITIONAL COMMENTS

10. NOTIFICATION PREPARED BY: _____
(SIGNATURE)

(DATE)

M. A. Moses. Manager
Regulatory Regulations
(PRINTED NAME)

APPENDIX B

STATE OF NEW YORK - DEPARTMENT OF LABOR
DIVISION OF SAFETY AND HEALTH
ASBESTOS CONTROL PROGRAM
ONE MAIN STREET
BROOKLYN, NY 11201
TELEPHONE (718) 797-7674

ASBESTOS PROJECT NOTIFICATION

Any contractor who intends to engage in an asbestos project involving more than two hundred sixty linear feet or more than one hundred sixty square feet of asbestos or asbestos materials shall notify in writing both the State of New York Asbestos Control Program, at the above address, and the United States Environmental Protection Agency, Air and Hazardous Material Division, Room 1011, 26 Federal Plaza, New York, N.Y. 10278, ten days prior to the commencement of the project. If an asbestos hazard is present which requires immediate attention, or if emergency conditions make it impossible to give notification ten days prior to commencement of the project, telephone notification must be given to the Asbestos Control Program office. The written notification must then be sent as soon as practicable.

NOTE: Additional copies of this form may be reproduced
as needed by the licensee.

1. Name of Contractor _____
2. New York State Asbestos Handling License Number _____
3. Address of Contractor _____
4. Mailing address (if different than Item 3 above) _____
5. Name and Title of Duly Authorize _____
6. Telephone number of Duly Authorized Representative () _____

7. Description of Building/Site

- a. Address (Indicate Name of Building, if applicable)
- b. County
- c. Indicate location of Asbestos with Building/Site
- d. Current Use of Building/Site
- e. Age of Building
- f. Amount of Asbestos involved in project (in sq.linear feet)

8. Starting Date of Project

9. Completion Date of Project
(projected)

10. Check Appropriate Box(es) for the Type of Asbestos Procedure(s) to be Used

Installation Removal Enclosure Application Encapsulation

11. Name and Address of Government Agency Requiring the Project, if any.

12. Methods to be Used to Prevent Asbestos Dissemination
(include type of equipment and ventilating systems used)

- a. Method(s) to be Used at Project Site
- b. Method(s) to be Used at Waste Disposal Site (if applicable)
- c. Method(s) to be Used at Project Site to Treat or Dispose of Contaminated Waste Water (if applicable)

13. Name and Address of Waste Disposal Site, if any

14. List all Equipment to be Used for this Asbestos Project, e.g. Negative Air Filtration Units, Respirators wetting Devices, HEPA Vacuums, etc. Do not include non-asbestos related equipment or expendable supplies (Attach additional sheets if necessary)

Description of Equipment	Manufacturer	Model Number	Quantity
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